ENVIRONMENTAL ASSESSMENT BOARD

Tenth Annual Report

Fiscal Year Ending March 31st, 1986

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Ontario

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Members of the Environmental Assessment Board

From left to right: *Dr. O.P. Dwivedi, Susan G. Tanner, James W. Britnell, Mary G. Munro (Vice Chairman), Richard A. Pharand, Q.C., Robert B. Eisen, Q.C. (Vice Chairman), Grace Patterson (Vice Chairman), Joan E. Simpson, Wilfred A.J. Roy. Seated, Michael I. Jeffery, Q.C. (Chairman).*

CHAIRMAN'S MESSAGE

"The organic and inorganic worlds are bound together by such mutual relations and adaptations as to secure, if not the absolute permanence and equilibrium of both, a long continuance of the established conditions at any given time ... but now man is everywhere a disturbing agent"

George P. Marsh "Man and Nature or Physical Geography, as Modified by Human Action" (1865).

As Marsh observed more than 120 years ago, human activity of any kind invariably upsets the natural order of events, and the degree to which this has occurred is only now being acknowledged. Industrialization coupled with a sophisticated technological revolution on an unprecedented scale has placed increasing stress upon traditional non-renewable environmental resources such as air, land and water, in some cases to the detriment of entire ecosystems. It has also profoundly influenced our concepts of social and economic stability.

In most jurisdictions it is now widely recognized that economic and developmental needs have to be balanced with environmental considerations. The Government's role and also the Board's is to establish an appropriate balance, meeting these needs yet at the same time safeguarding the environment and the interests of all forms of life.

In Ontario, the Legislature has enacted various laws to provide for the protection, conservation and wise management of the environment. This legislation includes the Environmental Assessment Act, the Environmental Protection Act and the Ontario Water Resources Act.

The Environmental Assessment Board has an integral role to play in the regulatory/approval process and it is appropriate on this, our tenth anniversary, to reflect upon its evolution from a historical perspective, while at the same time giving thought to the Board's ability to fulfill its mandate in the future.

The Environmental Assessment Board is an independent quasi-judicial administrative tribunal with its members appointed by the Lieutenant-Governor-in-Council. Its function is to conduct public hearings on a wide variety of proposals to ensure that all environmental issues are weighed in the balance. Under the Environment Assessment Act the Board also considers the economic and social aspects of the application. In some cases, depending upon the legislation under which the hearing is held, the Board is empowered to approve or reject the proposal; in others it simply reports and makes recommendations to the Ministry of the Environment.

For the last five years the Board has consisted of a Chairman and three full-time Vice-Chairmen together with several part-time members drawn from a variety of backgrounds and geographic areas of the province. It was during this period, which coincided with the enactment of the Consolidated Hearings Act, that the Board made a concerted effort to develop policies and procedures which would streamline the hearing process and facilitate the handling of more complex matters.

In March of 1986 I was appointed Chairman and Grace Patterson was made a Vice-Chairman. These appointments were followed in April, 1986 by the appointment of three new part-time members, Susan Tanner, Dr. O.P. Dwivedi and Richard Pharand, Q.C.. The Board's former chairman Barry Smith left the Board to become Chairman of the Ontario Highway Transport Board and three part-time members, E.E. Culin, Dr. Martin Edwards and Dennis Coolican retired after many years of service.

In the last year the regulatory authorities have adopted a much tougher stance towards polluters, and this trend is evident in a broad range of environmental issues. Examples of note include the proclamation of Part IX of the Environmental Protection Act (commonly referred to as the Spills Bill), and the introduction of the "Countdown Acid Rain" programme which orders significant reductions in industrial emissions by Ontario's major producers of sulphur dioxide. Other programmes are being introduced to combat pollution of Ontario's waterways, an issue of increasing public concern which was exacerbated by the St. Clair River chemical spill and the continuing controversy over the toxic industrial waste being discharged into the Niagara River.

The courts have recently served notice upon industry that pollution offenses will be dealt with much more severely than has been the case in the past. Prison terms, as well as large fines, are becoming increasingly likely for persistent offenders.

In terms of the legislation over which the Board has jurisdiction, there is increasing evidence that the Environmental Assessment Act will be used more widely. Of some importance is the placing of the Ontario Waste Management Corporation — a body formed to develop and operate facilities to treat industrial

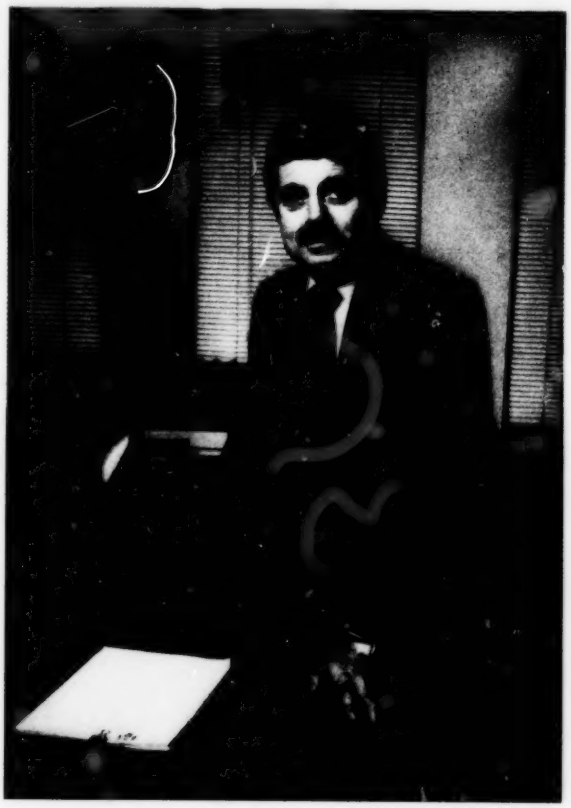
wastes — under this Act.

In addition, new regulations have been enacted concerning the handling of hazardous wastes and the destruction of PCB's.

The Board itself played a major role in the PCB issue, as the new regulations arose largely from its report following a lengthy public inquiry.

The issue of intervenor funding and public participation in the hearing process was raised following a Joint Board's award of "costs in advance" in the Redhill Creek Expressway case. Although this award was ultimately set aside by the courts, it generated intense debate, which culminated in the government stating that a formal policy concerning intervenor funding would be forthcoming in the near future.

In the Hydro bulk transmission facility hearings, which are expected to continue until the latter part of 1986, the Joint Board is considering a number of important issues. These include the interpretation of provisions dealing with "alternatives", requirements for notice and the expropriation of lands.



The Board's case load is expected to increase sharply in the next few months. Several landfill proposals and the first of the new class EA applications will reach the hearing stage later this year or early next year, and it will be necessary to embark upon a fundamental restructuring of the Board's operations. The administrative responsibilities of the Board staff will be clarified and the introduction of a comprehensive information retrieval system will assist both Board members and the public in preparing for the hearings.

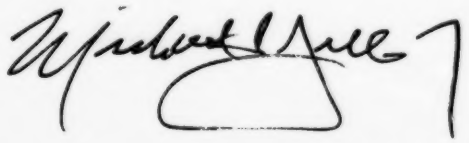
In addition, there are other initiatives which will be undertaken by the Board during the coming months, some of which will be described briefly at the conclusion of this report.

WHAT LIES AHEAD?

Although in many cases practical, cost-efficient solutions to environmental problems do not always seem close at hand, there is an increasing awareness of the potential for ever more serious environmental crises. Many diverse segments of society are beginning to recognize the need to develop solutions.

Although regulatory authorities, including tribunals such as the Environmental Assessment Board and the Joint Boards have important roles to play, it is only through the concerted efforts of industry, environmentalists and the individual that the protection, conservation and wise management of the environment will in fact occur.

As part of this endeavour, we at the Board are prepared to fulfill our mandate and to meet the challenges that lie ahead.



Michael I. Jeffery, Q.C.
Chairman

THE DEVELOPMENT OF THE BOARD

Ontario is the most densely populated province in Canada; its large urban communities and heavy industrialization place considerable stress on the local environment. There has long been a need for an impartial body to assess the often diverse needs of this rapidly burgeoning society and the surrounding ecosystems.

The Environmental Assessment Board's (EAB) legislative roots can be traced back to the 1956 Ontario Water Resources Commission Act, which established a commission responsible for the purification and distribution of water and for the disposal of sewage. This early legislation did not deal with water quality or pollution problems as such, but merely with the construction and improvement of water supply and sewage disposal systems.

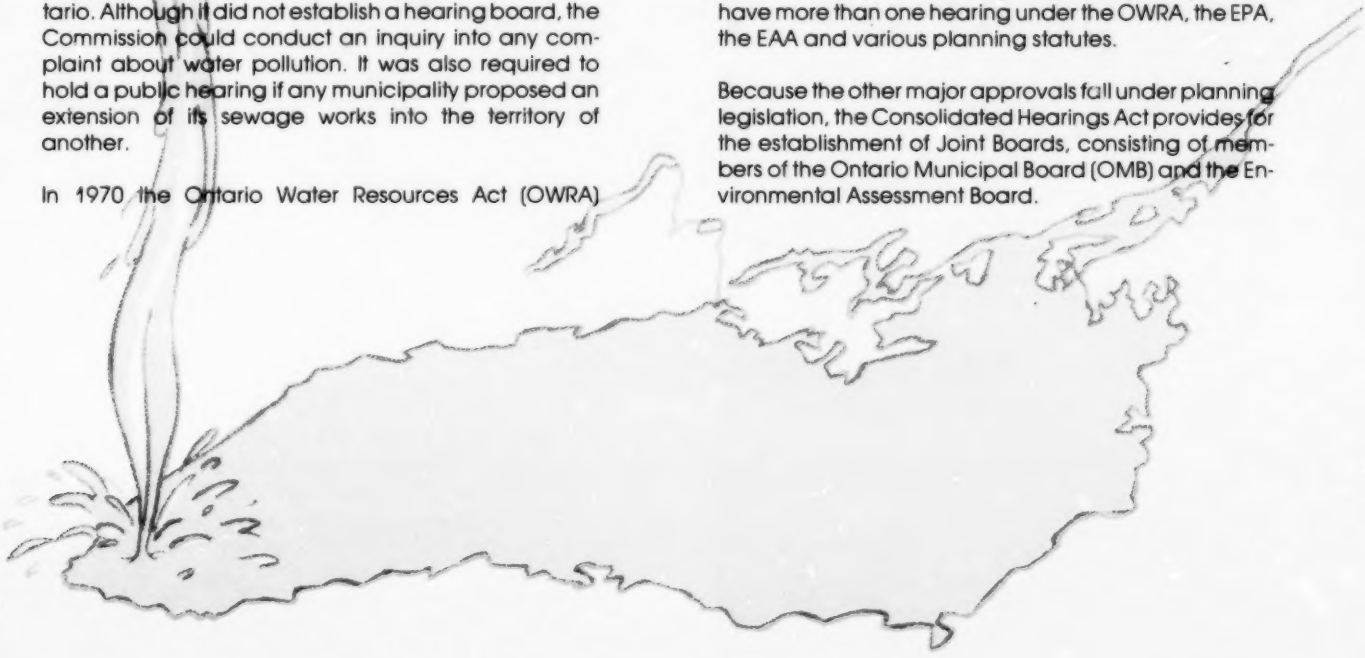
The legislative mandate was expanded with the passage of an amended statute in 1957, and the revised Act gave the commission supervisory and regulatory powers over all surface and ground water in Ontario. Although it did not establish a hearing board, the Commission could conduct an inquiry into any complaint about water pollution. It was also required to hold a public hearing if any municipality proposed an extension of its sewage works into the territory of another.

In 1970 the Ontario Water Resources Act (OWRA) created the Environmental Hearing Board, the predecessor of the EAB, to assume the hearing duties of the Ontario Water Resources Commission. Then, in 1971, the Environmental Protection Act (EPA) expanded the duties of this Board, enabling it to hold hearings on waste disposal sites as well as water related issues.

In 1975, the provincial government enacted the Environmental Assessment Act (EAA) which renamed the Environmental Hearing Board as the Environmental Assessment Board. This meant that it now had the jurisdiction to hold hearings under three separate pieces of legislation — the Ontario Water Resources Act, the Environment Protection Act and the Environmental Assessment Act.

As the regulatory system grew in complexity, there was a proliferation of approvals and hearings required under the various environmental and planning statutes. The Consolidated Hearings Act (CHA) was passed in 1981 in an attempt to streamline the process. This Act applies to any undertaking that may be required to have more than one hearing under the OWRA, the EPA, the EAA and various planning statutes.

Because the other major approvals fall under planning legislation, the Consolidated Hearings Act provides for the establishment of Joint Boards, consisting of members of the Ontario Municipal Board (OMB) and the Environmental Assessment Board.



JURISDICTION

THE ENVIRONMENTAL ASSESSMENT ACT

The purpose of the Environmental Assessment Act is to provide for the "protection, conservation and wise management" of Ontario's environment. It's definition of "the environment" includes not only the natural environment but also "social, economic and cultural conditions" and "any building, structure, machine or other (man-made) device."

From this broad mandate, upon referral of an application from the Minister, the Board derives its power to approve or reject proposed undertakings. Provincial and municipal undertakings are subject to the Act, but the private sector has yet to be included, except by special designation from the Minister.

The feature that sets the EAA apart from other statutes under which the Board makes decisions or recommendations is its requirement that the proponent submit an environmental assessment in accordance with the statutory requirements. This should describe the particular undertaking's predicted impacts and any proposed mitigative measures, and also alternatives to the undertaking and alternative methods of carrying out the undertaking (along with their predicted impacts). The Board can request an amendment to this assessment before accepting it.

A hearing may not be held if there is no request for one after the assessment is completed or if the Minister, using his discretion under the Act, considers that a hearing is unnecessary, or may cause undue delay. With the approval of the Cabinet, the Minister can also give an exemption that dispenses with both the assessment and the hearing. Such an exemption may only be given when, in the opinion of the Minister, the normal application of the Act would conflict with the public interest.

In addition to individual proposals, the EAA deals with class environmental assessments. Many similar projects that have minor impacts would, if processed singly, create an overwhelming administrative burden; so they are assessed as a group. If necessary, specific projects under the class assessment can always be "bumped-up" and examined independently.

Provincial and municipal roads projects are the major groups for which class environmental assessments have been completed. The Ministry of Natural Resources has also produced a class EA for solid waste disposal in territories without municipal organization and a timber management class EA.

THE ENVIRONMENTAL PROTECTION ACT

The EAB's role under the Environmental Protection Act (EPA) is more limited than under the Environmental Assessment Act. The objective of the EPA is stated as "the protection and conservation of the natural environment". The Board's jurisdiction arises from Part V of the Act which relates to waste management systems and waste disposal sites.

Regulation 309 under the Act deals with waste management. It defines various materials as waste and prescribes standards for the location and operation of waste disposal sites and waste management systems. Both "hazardous waste" and "industrial waste" have received new and more extensive definitions since Regulation 309 was amended in September, 1985.

While the Director of Approvals has the responsibility for decisions regarding the approval of waste management systems and disposal sites, the Board may be directed to hold a hearing and make recommendations to the Director when an application for a Certificate of Approval is received. If the proposal entails the disposal of hauled liquid industrial waste or hazardous waste, or deals with amounts of waste equivalent to the domestic output of not less than 1500 persons, a public hearing is mandatory. However, the Director may dispense with the hearing in an emergency.

The Board has broad powers to recommend to the Director terms and conditions of approval. In addition to engineering requirements, these could include financial guarantees, monitoring, public information provisions, and a host of others relating to the protection of the natural environment.

The Board may recommend that the Director refuse to grant an approval if a proposed activity does not comply with the Act or its regulations; if it may create a nuisance; if it is contrary to the public interest; or if it may result in a hazard to any person's health or safety.

The Board's jurisdiction under the EPA, as well as under the Ontario Water Resources Act, is limited because the legislation does not allow the Board to make decisions. Instead it must prepare a report containing a summary of the information and views presented at each hearing, as well as its advice and the reasons for that advice. Peculiar to this legislation and the Ontario Water Resources Act, is the requirement for the entire Board to review the draft report of

the panel members who conducted the hearing. After consideration of the draft, the Board as a whole submits its report to the Director.

THE ONTARIO WATER RESOURCES ACT

In situations where a municipality wants to build or extend a sewage works into another municipality or a territory without municipal organization, a public hearing must be held before a Certificate of Approval is issued or a refusal given. If a municipality proposes a sewage treatment plant within its own area, the Director of Approvals also has the discretion to require a public hearing before the Environmental Assessment Board.

The Board's remaining mandate under the Ontario Water Resources Act is to conduct hearings on applications for the definition and designation of areas of public water service or public sewage service.

The OWRA and the EPA are similar, in that the Board's role under each is merely recommendatory. Its function is to give advice and recommendations which are to be considered by the Director when he makes his decision.

THE PUBLIC INQUIRIES ACT

Occasionally, the Board is required by Order-in-Council to hold hearings under the Public Inquiries Act. A recent example was the hearing and report on the Ministry of the Environment's proposed regulatory control of mobile PCB destruction facilities.

The Cabinet has the authority to appoint commissioners to hold a public inquiry concerning any matter affecting the good government of Ontario, the conduct of any part of the public business, the administration of justice, or a matter that Cabinet declares to be one of public concern. The Act does not apply when the subject matter is otherwise regulated by specific legislation.

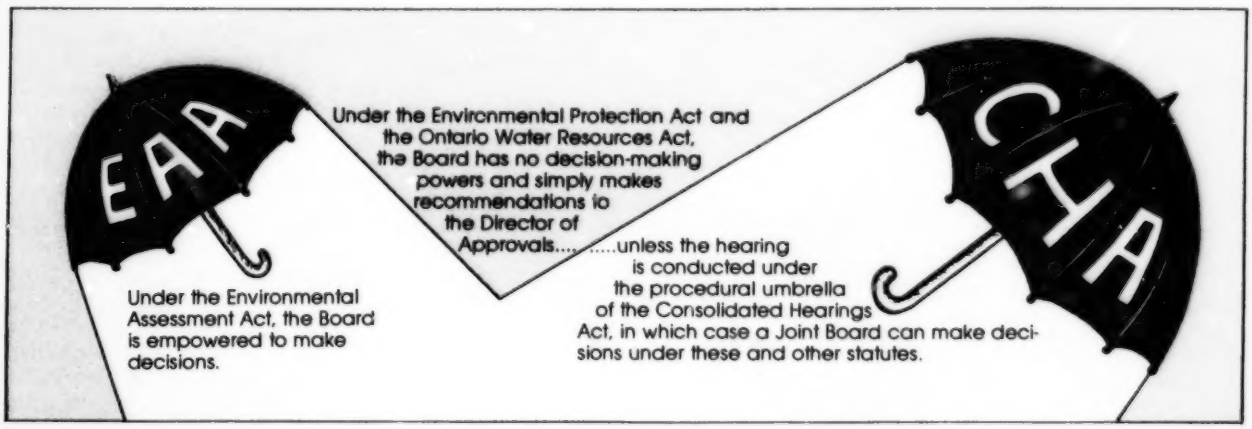
THE CONSOLIDATED HEARINGS ACT

The jurisdiction of the Assessment Board varies according to the legislation under which a hearing is conducted. With the Environmental Assessment Act, for example, it may make decisions about proposals, but under the Environmental Protection Act, it is restricted to making recommendations to the Director of Approvals.

The CHA, on the other hand, provides a procedural umbrella for all of the specific Acts set out in Schedule A to the Act. Others may be included from time to time by regulation.

The Joint Board, normally comprised of members from both the EAB and the OMB, acquires a decision-making power with respect to all statutes over which the Joint Board has jurisdiction.

CHA hearings generally cover applications including the EAA or the EPA and a variety of land use planning matters which may involve, for example, capital expenditures, municipal boundary changes and sewer and water rate structures.


EAA
CHA
Under the Environmental Protection Act and the Ontario Water Resources Act, the Board has no decision-making powers and simply makes recommendations to the Director of Approvals.....
.....unless the hearing is conducted under the procedural umbrella of the Consolidated Hearings Act, in which case a Joint Board can make decisions under these and other statutes.
Under the Environmental Assessment Act, the Board is empowered to make decisions.

THE HEARING

NOTICE

The proper dissemination of notice is a vital element in providing for a fair hearing. Notices are formulated to satisfy both legislative requirements and the principles of natural justice.

The Board's major concern is to ensure that the notice for a hearing is distributed in such a way as to reach everyone who may be affected by the matter being assessed. Well before the date of a hearing, the notice will be published in local and regional newspapers and, in addition, it will be mailed to those people, bodies and municipalities who would be directly affected by the undertaking.

PUBLIC INFORMATION

In appropriate situations, information centres may be established prior to the hearing, either by the Board or by the proponent under the Board's direction. The purpose of an information centre is to provide a convenient location where interested persons can obtain information on the general nature of the hearing and the procedures to be followed.

PRE-HEARING CONFERENCE

A pre-hearing conference may be arranged by the Board in order to have all the interested persons meet on an informal basis to discuss their various concerns. The conference can cover areas of mutual agreement, particular issues which are in dispute and, generally, any matter which may be helpful in speeding up the hearing process. Although the pre-hearing conference is not a formal meeting, it is convened by way of full notice. No decisions relating to the proceedings are made.

PRELIMINARY HEARING

The Board may hold a preliminary hearing which is convened by way of full notice. The difference between a preliminary hearing and a pre-hearing conference is that decisions of an interlocutory nature may be made at the preliminary hearing. These are decisions designed to deal with the situation "for the time being" while the matter is being properly resolved.

At the preliminary hearing and at the pre-hearing conference the following matters may be dealt with:

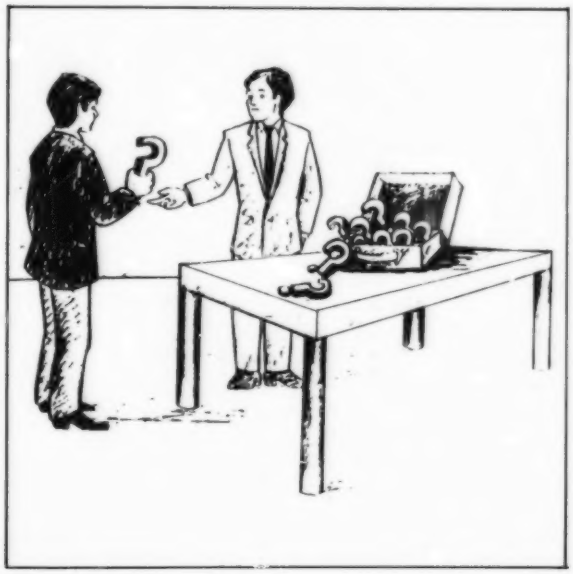
- identifying the parties and participants;
- defining the issues in dispute;
- arranging for the exchange among parties of all documents relevant to the issue;
- considering the advantages of filing witness statements and interrogatories and establishing a procedure for this;
- identifying the witnesses to be called and the general nature of their evidence;
- estimating the length of the hearing and possibly setting a date for the commencement.

WITNESS STATEMENTS

The Board may require the preparation and exchange of witness statements, especially when evidence of a technical nature is involved. In this way, each party has the opportunity to be fully informed in advance about the issues that will be raised at the hearing. This can prevent distractions and delays during the hearing and helps to focus the attention of the parties on the matters in dispute.

INTERROGATORIES

Interrogatories are requests for information or questions put by one party to another. They are particularly useful in putting background or non-controversial information on the record quickly. Because they are often exchanged before the hearing they are also helpful in situations where, to answer a question, a witness needs to do some research or make a calculation. A considerable amount of time can be lost during a hearing if a witness is confronted with a question that requires him to perform a complex calculation or track down an obscure document for information.



Interrogatories offer two main advantages:

- they enable parties to obtain information that will help them in preparing their cases, and
- they speed up the introduction of evidence as part of the hearing record.

EXPERT ASSISTANCE

The Board has the authority, when holding hearings under any of its legislation, to hire expert assistance. To date this power has been exercised with respect to experts in insurance and hydrogeology, and for legal counsel. During the last year counsel have been retained for both the PCB disposal programme inquiry and the Hydro transmission line hearings.

COSTS

A Joint Board functions independently of the EAB and the OMB from which its panel members are drawn and addresses the costs issue on a case specific basis. In some instances costs have been awarded to intervenors as a result of their positive contribution to the hearing process.

APPEAL AND REVIEW OF BOARD DECISIONS

The Environmental Assessment Act and the Consolidated Hearings Act provide similar but not identical methods for review of EAB and Joint Board decisions.

Under the EAA, the Minister, on his own initiative (but with the agreement of the Cabinet), may change the whole or any part of the Board's decision or substitute one of his own. He can also require a new hearing. The CHA permits an application to be made directly to Cabinet "by any person entitled to be heard at or to take part in proceedings before the Joint Board." Any of these actions must normally be taken within 28 days of the Board's decision.

The Board's recommendations cannot be appealed under the EPA and the OWRA because the Director of Approvals is the decision-maker under these statutes. Only the proponent of the undertaking can appeal the Director's decision to the Environmental Appeal Board.

MEDIATION

Approximately two years ago the Ministry began to experiment with mediation as a mechanism for resolving contentious environmental matters. The process involves the use of a third-party mediator whose function in an environmental dispute is to help the participants to reach some mutually satisfactory conclusion, or to define the actual issues on which they disagree.

In the near future, the Board will be reporting to the Minister of the Environment on its experience and making recommendations about its role in the process.

DURING THE YEAR

Over the last 12 months, the Board, individually or as part of the Joint Board, has been called upon to assess a wide variety of development proposals. The list includes the establishment and expansion of waste disposal facilities, highways, water and sewage systems, electrical transmission lines, and the occasional request for the construction of storm sewers.

Some of the cases have been particularly significant, because they have raised important issues, or because of their impact on the legislative and regulatory processes. Examples of note include the Redhill Creek Expressway case, the PCB inquiry, the Hydro hearings and various applications dealing with different types of waste disposal.

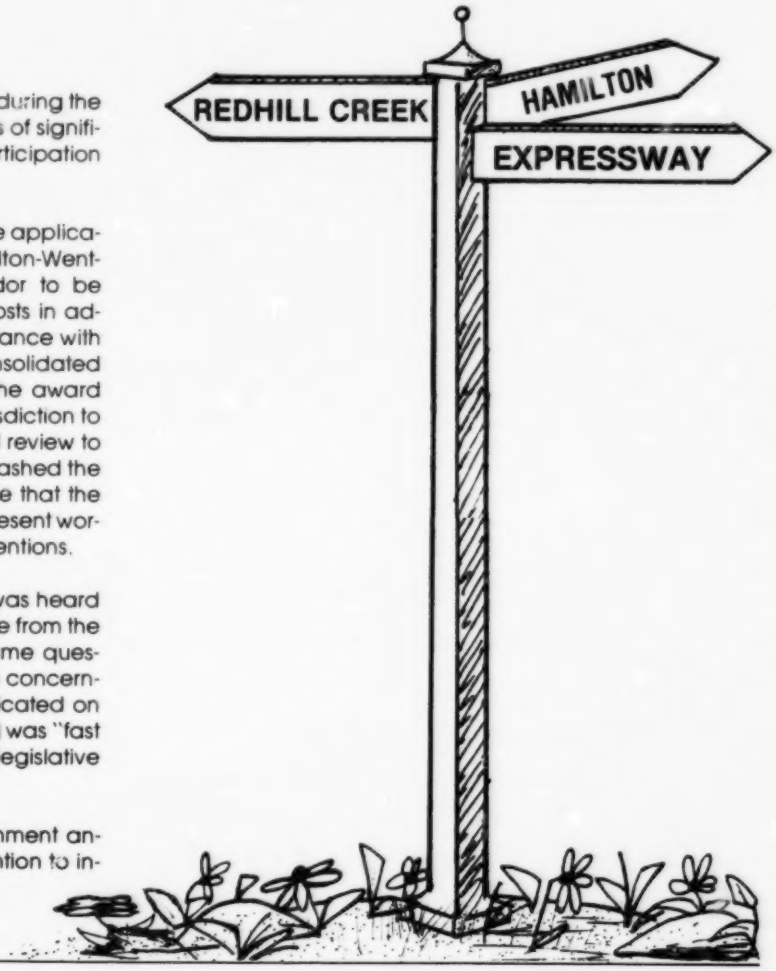
THE REDHILL CREEK EXPRESSWAY HEARING — FUNDING OF INTERVENORS

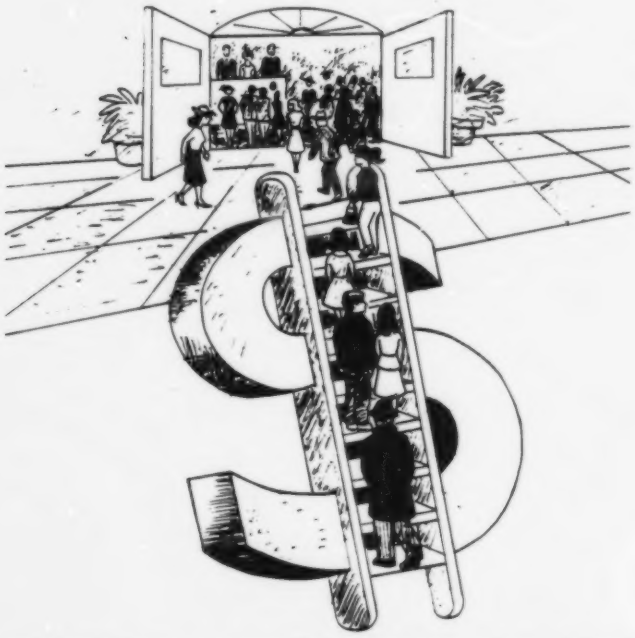
An important issue was settled by the courts during the past year which in turn precipitated a series of significant developments in the area of public participation and intervenor funding.

In October of 1984 a Joint Board hearing the application of the Regional Municipality of Hamilton-Wentworth for a highway transportation corridor to be located in the Hamilton area awarded "costs in advance" to a group of intervenors in accordance with its power to award costs under S.7 of the Consolidated Hearings Act. The Region against whom the award was made challenged the Joint Board's jurisdiction to do this by way of an application for judicial review to the Supreme Court of Ontario. The Court quashed the cost order, stating in unequivocal language that the reference to costs in the CHA did not, in its present wording, include the concept of funding interventions.

It should be noted that this judicial review was heard by the court in conjunction with a stated case from the Ontario Energy Board essentially on the same question. The court reached a similar conclusion concerning the Energy Board's jurisdiction and indicated on the record that this issue (intervenor funding) was "fast becoming one which should receive early legislative consideration".

Shortly thereafter the Minister of the Environment announced that it was the Government's intention to in-





troduce a policy of intervenor funding and that, pending the establishment of this policy, the Cabinet would consider the funding of intervention with respect to specific hearings. As of the date of preparing this report, up-front funding has been provided to intervenors by Order-in-Council for the 3M Company application for an energy-from-waste facility, the Tricil Landfill application and the Consumers Gas Liquid Natural Gas application.

In each case a panel of Environmental Assessment Board members who were not involved with hearing the case itself was designated to consider and award the funding in accordance with detailed criteria set out in the Orders-of-Council.

It is anticipated that the Government's funding policy will be announced late in 1986.

THE COMMISSION ON THE REGULATORY CONTROL OF MOBILE PCB DESTRUCTION FACILITIES

In June of 1984, a Commission comprised of three Environmental Assessment Board members was established by Order-in-Council. Its purpose was to conduct an inquiry into a programme proposed by the Ministry of the Environment for the regulation and control of mobile PCB destruction facilities, to be located on temporary sites throughout the province. The idea was to provide a safe method for the disposal of PCB wastes, thereby reducing the risks inherent in storing or transporting such materials.

Before proceeding with the proposed regulations, the Government wanted to involve the public in the development of an effective programme. The inquiry provided a framework for this involvement and, for the first time, the public had the opportunity to be instrumental in the making of a regulation.

The quality of the inquiry was greatly enhanced by the availability of funds to assist participants with costs. This meant that the parties who qualified for assistance could take part in the proceedings to a much greater degree, which aided the Commission by raising and canvassing important issues that might otherwise not have emerged.

Public hearings were conducted from November, 1984 to April, 1985, and the Commission filed its report to the Minister in June, 1985.

The Commission recommended the approval of the regulation, but suggested several amendments designed to resolve issues which had been raised during the hearings. The most significant amendment was for the requirement of a mass air emission standard for PCB's. It introduced a destruction efficiency standard for the mobile incinerators, in addition to the usual Ministry regulations for ambient air quality standards.

The Commission also recommended that the federal and provincial Ministries of the Environment consider creating incentives for removing PCB materials from the environment. Several alternatives were suggested, such as prohibiting the storage of PCB substances for more than a year after removal from service and the legislated phasing out of transformers and other equipment containing PCB mixtures, when suitable PCB destruction facilities are made available.

The regulatory programme, including most of the recommendations resulting from the public participation in the inquiry, was enacted as Ontario Regulation 148/86 on March 21st, 1986.

THE HYDRO HEARINGS AND NOTICE

Several hearings involving Ontario Hydro and Joint Boards under the CHA have served to focus attention on the importance of adequate notice.

In 1984, a decision of the Divisional Court **(Re Central Ontario Coalition Concerning Hydro Transmission System et al and Ontario Hydro et al; Energy Probe Intervenor (1984) 46 O.R. (2d) 715)** stated clearly that the Board is responsible for the form and content of the notice and its dissemination.

This places a heavy duty on the Board at an early stage to ensure that the notice meets all the necessary requirements. A defect invites the risk of having the resultant proceedings declared invalid — as happened in that case. The court quashed both the decision and the proceedings on the grounds that the use of the general geographic term "Southwestern Ontario" was misleading, since an area in Central Ontario was also included in the proposed undertaking. The court stressed that geographic descriptions for any undertaking must be clear. The suggested method was a sketch or a map or else a description that was so explicit as to leave no one in doubt about whether his or her property interest might be affected.

In 1985, another case **(Re Joint Board under the Consolidated Hearings Act and Ontario Hydro et al (1985) 51 O.R. (2d) 65)**, dealt with Hydro transmission lines, this time in Eastern Ontario. the Court of Appeal took strong exception to the requirement for stringent geographic descriptions. It suggested that the proponent is obliged only to furnish notice of the general nature of the undertaking, pointing out that the applicable sections of the Consolidated Hearings Act do not specify geographic locations. The Court also stated that it may not be possible, in some cases, to define a location any more precisely than the whole or part of the province. In some instances the question of where to put the undertaking may be the very issue that is to be determined.

However, great care should be taken to ensure clarity where geographic descriptions are applicable, especially in a notice concerning the route of a highway or transmission line. Where it is possible to give a precise geographic description, an accurate and sufficiently detailed map is preferable.

The distribution of notice is a matter that concerns all boards. It can be accomplished through newspaper ads, by mailed notice or using a combination of both.

Where the undertaking might involve the expropriation of lands, Joint Boards have adopted the position that in addition to newspaper notice, mailed notice is required. However, the Board does have discretionary powers with regard to the distribution of notice, contained in Section 7(2) and Section 22(3) of the Consolidated Hearings Act. These provisions allow a Joint Board to depart from the notice requirements of statutes under which it is making a decision, as long as it is satisfied that the change will facilitate the assessment process and is not unfair to any person entitled to be heard at the hearing or entitled to attend it. This discretion gives the Board the authority to limit notice to public advertisement when individually mailed notice is impractical.

Although it is possible, under the CHA, to dispense with mailed notice, in the present Ontario Hydro hearing concerning transmission lines in Central and Southwestern Ontario, the Board ordered mailed notice despite the fact that it entailed the distribution of about 30,000 copies. On the other hand, the Board was able to take advantage of the discretion granted to it by specifying that the categories of persons receiving the mailed notice be limited to owners and tenants of properties, as identified on the property assessment records maintained by the Ministry of Revenue. This means that mortgagees and executive creditors, who are registered owners as defined by the Expropriations Act, did not receive this notice.

The timeliness of notice can also be an issue and Joint Boards have endeavoured to ensure that notice has been given in good time to everyone who might be affected by a project.

THE ISSUE OF WASTE DISPOSAL

The problem of waste disposal is an important environmental issue for most communities in the province. As the quantities of domestic, commercial, industrial and pathological wastes increase there is a pressing need for new or expanded disposal and treatment systems. However, waste treatment centres themselves create concern for the safety of the local environment and applications for approval for waste disposal sites or systems tend to spark considerable public reaction.

During the past year the board has received several applications for this type of development.

The largest number of such applications came from municipalities requesting approval for municipal landfill sites for the disposal of domestic and non-hazardous commercial/industrial waste.In one instance, a private firm, Sutcliffe Sanitation Services Limited in the Township of Richmond, applied for permission to expand its landfill site and system for the disposal of public municipal wastes.

Growing concern over the environmental impacts of landfilling wastes has focused public attention on alternative methods of waste disposal. Consequently, there was a good deal of interest in the Board hearing concerning an application from 3M Inc. of London requesting approval for an "energy from waste" plant.

Oily wastes and biological sludges from oil refinery operations are another form of waste needing treatment and disposal. In September of 1985 the Board conducted a public hearing with respect to an application by Polysar Limited for approval for the land farming of the biodegradable portion of these wastes.

An application by Tricil Limited in Moore Township for a Certificate of Approval to expand its industrial and hazardous waste treatment and disposal site, led to a lengthy hearing before a Joint Board in the fall of last year. The hearing was of particular interest because of the impending application from the Ontario Waste Management Corporation for a government sponsored facility to handle similar wastes.

The wastes generated by medical and health care facilities, laboratories and veterinarian institutions are generally classified as pathological waste. Because there is a lack of adequate incineration facilities in the province, Decom Medical Systems Inc. collects and transports pathological waste for disposal in its incinerators which are located in Gatineau, Quebec. In March of this year the company submitted an application for approval for a transfer station to be located in Whitby. The public hearing concerning this matter commenced in April and concluded, after a great deal of public and municipal participation, in early June.

Where these applications have been approved the Board has often imposed stringent conditions to address the concerns of the Board or issues raised by participants in the hearing process.

FUTURE DIRECTIONS

It is apparent that the future direction of the Board will be influenced by the rapid changes taking place in the relationship between government, industry and the individual and their respective efforts to enhance the quality of the environment.

In order to keep pace with these changes, the Board is planning several initiatives that will streamline the hearing process and make it more accessible to the public.

Although the Board has conducted hearings under a number of statutes for more than a decade, its procedural rules have not been formalized. The increasing complexity of environmental legislation has created a need for comprehensive rules of practice that will clarify the process for applicants, lawyers and members of the public.

Within the next few months the Board will be tabling a draft set of rules. All interested parties will be invited to comment upon the draft rules and attend a workshop designed to finalize them prior to their formal enactment.

It is anticipated that, in the future, many of the more complex applications will be brought under the Consolidated Hearings Act. To better prepare for this development, the Environmental Assessment Board is exploring the possibility of conducting a series of intensive workshops for members both of this Board and of the Ontario Municipal Board who are likely to sit on Joint Boards. These workshops will allow a full exchange of information, giving each Board a more comprehensive understanding of the specific legislation normally within the jurisdiction of the other. In addition the workshops would provide an opportunity for discussion on various issues which have arisen during the course of Joint Board hearings.

To adapt to these changes the Board will be investigating a number of alternatives designed to increase its administrative efficiency. These include a proposed relocation of the Board offices together with modernization of its operational facilities. The establishment of an up-to-date working library to assist members and the introduction of automated information retrieval and word processing systems will also contribute to a more effective structure.

Today, two of the Board's major priorities are to improve the clarity of its communications and to reduce the time and expense involved in the hearing process. It is hoped that these initiatives and the administration reorganization will enable the Board to meet its responsibilities with a dynamic and flexible approach to the future.